

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

MICHAEL JERMAIL CRIMES,

Petitioner,

Case No. 09-10402

Hon. Marianne O. Battani

v.

Magistrate Judge Paul J. Komives

CATHERINE S. BAUMAN,

Respondent.

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**ORDER ADOPTING REPORT AND RECOMMENDATION AND  
DENYING PETITION FOR WRIT OF HABEAS CORPUS**

On February 2, 2009, Petitioner Michael Jermail Crimes filed a habeas corpus petition pursuant to 29 U.S.C. § 2254, challenging his state convictions and sentence for armed robbery and first-degree home invasion. Crimes subsequently moved to hold his petition in abeyance while he pursued additional state remedies. The Court granted his motion. After Crimes exhausted his state remedies, he moved to reopen his case. Again, the Court granted his motion.

The Court then referred this matter to Magistrate Judge Paul J. Komives pursuant to 28 U.S.C. § 636(b)(1) for a report and recommendation ("R&R"). On June 14, 2011, he issued his R&R. The Magistrate Judge recommended that the Court deny Petitioner's Application for the Writ of Habeas Corpus and deny a certificate of appealability. (Doc. No. 19, R&R at 33.) The Magistrate Judge also informed the parties that objections to the R&R must be filed within fourteen days of service and that a party's failure to file objections would waive any further right of appeal. See R&R at 34-35; 28 U.S.C. § 636(b)(1)(C) and

FED. R. CIV. P. 72 (b)(2).

Because no objection has been filed in this case, the parties waived their right to review and appeal. Accordingly, the Court **ADOPTS** the Report and Recommendation, **DENIES** the Petition for Writ of Habeas Corpus; and **DENIES** a certificate of appealability.

**IT IS SO ORDERED.**

s/Marianne O. Battani  
MARIANNE O. BATTANI  
UNITED STATES DISTRICT JUDGE

DATED: July 14, 2011

**CERTIFICATE OF SERVICE**

Copies of this Order were served upon the Petitioner, Michael Crimes, via ordinary U.S. Mail to Alger Maximum Correctional Facility, Industrial Park Dr., P.O. Box 600, Munising, Michigan 49862.

s/Bernadette M. Thebolt  
Case Manager